

REMARKS/ARGUMENTS

Pending claims 1-6 and 8-9 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,699,426 (Tsukamoto). Applicants respectfully traverse the rejection, and respectfully request reconsideration. As to claim 1, nowhere does Tsukamoto teach that its receiver and display are in separate housings. In this regard, the Office Action contends that FIGS. 5 and 9 show separate housings for receiver and display. Office Action, p. 3. However, note that FIG. 5 of Tsukamoto nowhere shows presence of a display, and in FIG. 9, the display (i.e., CRT 60) and the receiver (i.e., tuner 53) are in a single display device 28-1. Tsukamoto, col. 20, lns. 10-25; FIG. 9. Furthermore, with regard to claim 1, the display device 28-1 does not include a digital graphics bus coupled to transmit processed video data in a digital format from a first housing to a second housing. This is so, at least because Tsukamoto instead discloses that CRT 60 and signal processor 59 "are conventional devices which together comprise a conventional display apparatus." Tsukamoto, col. 20, lns. 16-18. Of course, such a conventional display apparatus transmits data via analog signals. See Exhibit 1, attached hereto (from a 1999 reference book describing that analog, not digital signals are sent to a CRT). Accordingly, claim 1 is patentable.

Dependent claims 2-3, 5 and 8-9 are rejected over Tsukamoto under the theory of inherency. Office Action, p. 3. However "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). That is, "the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic". MPEP §2112 (citing *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993)).

Thus probabilities or possibilities that the recited subject matter could be present in Tsukamoto are insufficient to anticipate the claims. That is, to anticipate, the system of Tsukamoto must necessarily include the claimed subject matter. Because the Office Action has set forth no basis for such a finding, claims 2-3, 5, and 8-9 are patentable for this further reason. This is so, because Tsukamoto nowhere teaches that its receiver must necessarily be part of a modular platform including replaceable cards (claim 2) or where multiple cards are received in plugs coupled by a bus (claim 3), or that one of the cards is a motherboard including a processor

(claim 5), or that plugs for both power and data receive different types of serial bus interfaces (claims 8-9).

Pending claims 11, 13, 14, 16-21 and 29-36 stand rejected under 35 U.S.C. §103(a) over Tsukamoto in view of U.S. Patent No. 5,916,736 (Ryan), and in further view of U.S. Patent No. 5,784,427 (Bennett). This rejection is improper and Applicants respectfully request reconsideration. As to claims 11 and 29, there is no teaching or suggestion to combine Tsukamoto with Ryan and further with Bennett. In this regard, the Office Action appears to have engaged in the hindsight-based obviousness analysis that has been widely and soundly disfavored by the Federal Circuit. In order to prevent a hindsight-based obviousness analysis, the Federal Circuit requires that "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316-17 (Fed Cir. 2000). No such showing is present here.

That is, with respect to these claims, the Office Action contains no factual support for the motivation, suggestion, or teaching of the manner in which Tsukamoto must be modified in combination with Ryan and Bennett to render obvious these claims. There is nothing in the references that suggest the desirability of making the proposed combination. Accordingly, a *prima facie* case of obviousness has not been made. MPEP §2143.01. Instead, the Office Action merely states that it would have been obvious to combine the disparate teachings of these three references simply "to reduce to a minimum the number of processing steps required in a processor." Office Action, p. 6. This simply does not set forth any legally proper motivation to combine. See *In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2001). This is especially so, as the claims nowhere recite that the encryption is performed in a processor such as the DSP of Bennett. Bennett is directed to a DSP for cellular communication, it has no bearing on the claims at issue here as the linear shift register taught by Bennett is not reasonably pertinent to the particular problem to which Applicants were faced, i.e., a digital television system. Accordingly, for this further reason, the proposed combination is improper as Bennett is nonanalogous art. MPEP §2141.01(a). Thus claims 11 and 29 and their dependent claims are patentable.

Dependent claim 18 is further patentable as neither Bennett nor the other cited references teach or suggest a combiner adapted to combine a seed signal together with feedback from a programmable tap register. In this regard, the input sequence injected into a shift register shown

in FIG. 3 of Bennett and referred to in the Office Action, p. 5, does not teach or suggest a combiner that combines a seed signal and feedback from a programmable tap register. Thus claim 18 and claim 19 depending therefrom are patentable.

Claim 19 is further patentable, as Bennett does not teach or suggest a tap register that includes combinatorial logic and tap memory. In this regard, the memory of FIG. 11 of Bennett referred to by the Office Action, p. 5, is not included in a tap register; nor is it combinatorial logic. For this further reason, claim 19 is patentable.

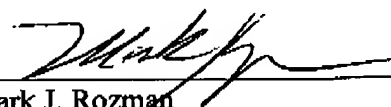
As to dependent claims 32-35, the Office Action cannot point to any teaching or suggestion in the cited references for use of a digital graphics bus including first and second TDMS links. Nevertheless the Office Action contends that these claims are rendered obvious. Applicants respectfully disagree with this unsupported contention and respectfully submit that this contention is not properly officially noticed nor based on common knowledge. MPEP §2144.03. Accordingly, Applicant respectfully traverses the rejection, and claims 32-35 are patentable, for this further reason.

While claim 36 stands rejected under §103, there is no *prima facie* case of obviousness set forth for this claim, and accordingly it is patentable this further reason.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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